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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

LEGAL ENFORCEMENT PROGRAM

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2468

**FACSIMILE COVER**

DATE: April 10, 2000

TO: Eric James Heil, Rico Town Manager and Attorney

AGENCY/COMPANY: \_\_\_\_\_

CITY: \_\_\_\_\_ STATE: \_\_\_\_\_ MAIL CODE: \_\_\_\_\_

FAX NUMBER: (970) 967-2864 TEL #: \_\_\_\_\_

NUMBER OF PAGES (Including Cover Sheet): 3

FROM: Sheldon H. Muller

SENDER'S TELEPHONE NUMBER: (303) 312-6916

SENDER'S FAX NUMBER: (303) 312-6953

COMMENTS: Eric - Thank you for taking the time to talk on the phone today. Enclosed is a copy of the letter I sent to counsel for the defendants in our litigation. I would appreciate it if you would let me know immediately if it appears that the defendants are not acting expeditiously to restore the integrity of the ponds.  
Sheldon

☐ HARD COPY TO FOLLOW  
☒ HARD COPY WILL NOT BE SENT

SENDER: \_\_\_\_\_  
DATE/TIME: \_\_\_\_\_

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

LEGAL ENFORCEMENT PROGRAM

999 18th STREET - SUITE 500

DENVER, COLORADO 80202-2466

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 500  
DENVER, COLORADO 80202-2466

April 6, 2000

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**VIA FACSIMILE AND**  
**U.S. MAIL**

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FAX: (303) 832-6154

Re: United States and the State of Colorado v. Rico Development Corporation et al.  
(United States District Court Civil Action No. 99-M-1386) - Demand for  
Immediate Action to Restore Integrity to Settling Ponds at the St. Louis Tunnel  
Discharge From the Rico Argentine Mine

Dear Josh and Kevin:

Enclosed are a letter and photographs received today by our office and by the State of Colorado. As the letter from Eric James Heil, Rico Town Manager and Attorney, states, the uppermost settling pond for the St. Louis tunnel has breached, allowing untreated contaminated effluent from the St. Louis tunnel to enter the Dolores River without any residence time in the series of settling ponds. As you may recall, we discussed this possibility when we met in EPA offices on February 29, 2000 and requested that your clients take immediate measures to preserve the integrity of the ponds.

Please have your clients act immediately to restore the integrity of the ponds to ensure that no further degradation of the ponds will occur. It is critical that the integrity of the ponds be restored so that sedimentation that has built up in the ponds over the years, as well as untreated contaminated effluent from the St. Louis tunnel that has not had any residence time in the series of settling ponds, will not discharge into the Dolores River. If immediate action is not taken, the United States and the State of Colorado will be compelled to seek an immediate temporary restraining order in United States District Court in conjunction with our ongoing enforcement action against your clients.

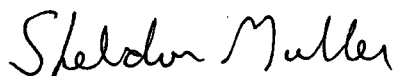


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From my conversation with Joshua Epel this afternoon, it is my understanding that a consultant will be engaged tomorrow to immediately rectify the situation. Please confirm those arrangements tomorrow in a FAXed letter to me and to Annette Quill, Assistant Attorney General, Colorado Attorney General's Office. If my understanding is incorrect, please notify me immediately.

Thank you for your immediate attention to this matter. If you have any questions, please call me at (303) 312-6916. My FAX number is (303) 312-6953.

Sincerely yours,



Sheldon H. Muller  
Enforcement Attorney

**Enclosures**

April 4, 2000 Letter From Eric James Heil  
and Photographs Enclosed With That Letter

**cc:**

Stephen Taylor, U.S. Attorney's Office (w/encls.)  
Robert Homiak, U.S. DOJ (w/encls.)  
Monica Heimdal, EPA (w/o encls.)  
Annette Quill, CO AG (w/o encls.)

